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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SWITCH, LTD. a Nevada limited liability
company,

Plaintiff,

vs.

STEPHEN FAIRFAX; MTECHNOLOGY;
and DOES 1 through 10; ROE ENTITIES
11 through 20, inclusive,

Defendants.

Case No.: 2:17-cv-02651-GMN-VCF

JOINT STATUS REPORT

Plaintiff Switch, LTD (“Plaintiff” or “Switch”) and Defendants Stephen Fairfax and MTechnology (“Defendants”), by and through their respective counsel of record, submit the following joint status report as ordered by the Court on February 1, 2019 (ECF No. 40).

Persuant to the stipulation of the parties, the Court entered an Order on February 1, 2019, staying this matter until May 24, 2019, to permit the Parties to engage in informal efforts to engage in e-discovery efforts and resolve the dispute between them. The Court also ordered the Parties to file a status report every 45 days from the date of the Order (ECF No. 40) that demonstrates to the Court whether the stay should remain in effect. (ECF No. 40).

In accord with that Order, the Parties hereby report that the Stay should remain in effect as demonstrated by the following:

1. The Parties have reached a general agreement on the process for commencing informal e-discovery in an effort to identify key outstanding factual matters disputed between

1 them.

2 2. To that end the Parties have agreed to retain the services of national e-discovery
3 forensic service provider.

4 3. The Parties thereafter identified a national provider in which an engagement for
5 services was executed.

6 4. Unfortunately, the Parties were delayed in this process by this provider, whose actions
7 thereafter not only failed to provide confidence that the provider understood and would
8 be able or willing to comply with the protocol set forth by the Parties, the provider was
9 slow to respond to requests and often unhelpful when responses were finally received.
10 This process unfortunately expended much of the preceeding 45 days that the Parties
11 have spent engaged in this process.

12 5. Within the past two weeks the Parties have identified a mutually acceptable alternative
13 provider, have engaged in a teleconference with representatives of that provider and
14 are in the process of securing and negotiating engagement documents with that
15 provider to commence informal electronic discovery in accord with the informal
16 protocol of the Parties.

17 6. To that end, the Parties have estimated the size of the data to be assessed, and have
18 reported the same to new provider who reports that its process could be completed
19 within a few days to a week once the Parties have agreed upon keywords/phrases for
20 the search.

21 7. Plaintiff's counsel has prepared a set of keywords/phrases that it has forwarded to
22 Plaintiff for review and approval prior to seeking approval from Defendant and
23 submitting the same to the new provider.

24 8. The new provider has identified a point of contact who has proven responsive to the
25 Parties and who has assembled a team for the process. While not all procedural matters
26 have been resolved, the responsiveness of the representative of the new provider has
27 inspired confidence in the new provider that was lacking in the prior one.

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1 While the Parties acknowledge that this process has taken longer than they expected due
2 to the unique nature of the process they are undertaking—and particularly due to the sensitivity
3 of the data assessed and the process of interaction with the provider—they presently are working
4 in good faith to resolve differences and remain confident the process can be completed during the
5 present stay. For these reasons, the Parties report that the stay should remain in effect.

6 Dated: March 18, 2019

7 **WEIDE & MILLER, LTD.**

RANDDAZZA LEGAL GROUP, PLLC

8
9 /s/ F. Christopher Austin

/s/ Ronald D. Green

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